

BIBLE BROADCASTING NETWORK

April 21, 1995

Charlotte, NC 28241-7300
(704) 523-5555

Federal Communication Commission
Washington, DC 20554

DOCKET FILE COPY ORIGINAL
RECEIVED

RE: MM Docket 95-31 Proposed Rule Making
Reexamination of the Comparative Standards
for New Noncommercial Educational Applicants. (APR 24 1995)

To Whom it may concern:

FCC MAIL ROOM

This is a reply for requested comments regarding the
above matter:

1. In reference to the proposal of APST/NPR that the acceptance of an application be favored if the applicant's objectives are "directed outwardly to the...listening community, and not exclusively to the licensee itself". This appears to be a very subjective proposal in that you would be determining the motive of the applicant. Would not any applicant have both of these purposes in mind? Their intent would be to serve the community and at the same time be a success as a broadcaster which in essence is the licensee. The rationale of this is that if you succeed with your objective with the station it was perpetuated by exclusivity in your plan. The real test with an NCE station is, can the station serving the listening community be supported financially by the community it serves without any outside funding. This is the ultimate test of community approval and interest.

2. Commenting on favoring applicants with a governing board that "is broadly representative of the community to be served". We would have to say that in order to be absolutely fair it would take a community referendum to determine what the communities desires are. What kind of ascertainment would be required to make this a realistic proposal? How many aspects of the community would be required in this representation? Who is to say that the input of a board from outside of the community might not be more beneficial than a local board? Basically, all communities are made up of the same needs, wants, and hopes. A local board would/could do little to enhance the service of a station when we consider that in this day of satellite communications most of the programming aired originates outside of the area. Educational and cultural development needs vary little in our country and the production of programs and materials meeting these needs may benefit greatly by a more diversified board. In regards to programming, the system of ascertainment of local community problem is presently in place required under FCC rules which certainly gives a better perspective of the cultural and educational needs of a community.



No. of Copies rec'd 0
List A B C D E

3. In relation to what considerations should be made, a point system could be beneficial. However, to make final decisions for the grant of a license on an item such as a generator is inappropriate. If a point system is incorporated it should be realistic to the qualification of the applicant and the overall operation of a station and its service to the community.

4. We do not believe "share time" is in the best interest of the community. It often brings confusion because the format structures generally contradict each other causing the listener to lose trust in the overall focus of the station. This is like any business or organization, it must have undivided leadership to prevent chaos.

5. There was a day when applicants for NCE stations demanded much more discretion in regards to how a community was to be served to enhance and protect the concept of educational and cultural service. However, today with audio and video channels increasing at such a rapid rate it would seem exclusive and antiquated to limit those who can apply for an NCE channel as long as they meet the basic non-commercial operations.

There are some who would want the exclusivity to the NCE channels based on their determination that they can best serve the public with educational and cultural programming. Defining "educational" and "cultural" is basically subjective and no one can state definitively what it is. This is proven by the fact that the Supreme Court could not outline standards and made it the local communities responsibility to determine what the "community standard" would be. However, to determine what is cultural and what is educational should not be at the discretion of the Commission because of its broad interpretation. The present policy regarding programming is well in place and working effectively giving a broad varied service to our communities.

In "surfing" the NCE band there is little programming that is not available on the commercial band and visa/versa. With an additional 30 channels of DAB being proposed and the possibility of hundreds of cable radio channels the only real difference is in being "non-commercial".

6. The comparative approach should not give exclusivity to any particular group. The determination for a grant of an NCE frequency should be based solely on the proposal of the applicant and as the Commission it should continue to be your objective to do this. When you narrow it down there are only a few determining factors and in most cases, all applicants are equal.

Therefore, if there were to be any reconsideration regarding a frequency, we believe the "Finder" of the available frequency should have precedence over everyone else unless it can be proven that they would not qualify for legal or technical reasons. Obviously, they would have shown an interest in development of NCE stations and have expended energy and funds to achieve this goal. It is rather unproductive to expend \$10,000 (plus) to research and apply for a frequency and discover that someone has jumped your application spending an equal amount of money to fight you for what you have proposed. If there is a point system established this should have the greatest amount of value and finders preference should take precedence over other equal applicants.

Thank you for considering these comments.

Sincerely,



Lowell Davey
President